

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:11-MJ-1951-JG

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            )                         **ORDER**  
                                )  
                                )  
STEPHEN C. SMITH,          )  
                                )  
                                )  
Defendant.                  )

This case comes before the court on defendant's application and financial affidavit for the appointment of counsel without payment of fees (D.E. 3). In the financial affidavit, defendant reports a monthly income of \$5,526.00, which exceeds his reported monthly expenses of \$1,771.00 by \$3,755.00. Defendant also reports savings in the amount of \$3,000.00. Because it appears that defendant has sufficient funds to pay for an attorney out of his income, the court finds that he is not eligible for appointment of counsel pursuant to 18 U.S.C. § 3006A. Consequently, defendant's request for the appointment of counsel without payment of fees is DENIED.

SO ORDERED, this the 5th day of January 2012.



James E. Gates  
United States Magistrate Judge